



Patent  
Attorney's Docket No. 032751-052

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Jean-Marc BALLOUL et al. ) Group Art Unit: 1648  
Application No.: 09/832,899 ) Examiner: Shanon A. Foley  
Filed: April 12, 2001 ) Confirmation No.: 1686  
For: POXVIRUS WITH TARGETED )  
INFECTIION SPECIFICITY )

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action [Restriction Requirement] mailed October 2, 2003, Applicants hereby elect, albeit with traverse, Group I, Claims 1-15 and 28, drawn to a poxvirus particle that infects and binds to target cells with a heterologous ligand moiety. Applicants further elect, the heterologous ligand moiety specific for a tumor-specific antigen (Claim 5), and wherein the heterologous ligand moiety is included into a poxviral protein to form a chimeric protein (Claim 8), and the specific poxviral polypeptide encoded by the A27L gene (Claim 9).

According to M.P.E.P. § 803, a restriction requirement between patentably distinct inventions is proper **only** when there is a serious burden on the examiner to examine all of the claims in a single application; this is true even when appropriate reasons exist for

restriction requirement. Applicants respectfully submit that the searches required to completely examine the claims would substantially overlap.

Applicants respectfully submit that it would not be unduly burdensome for the Examiner to search each of what the Examiner characterizes as "inventions A-D" in one application.

Moreover, Applicants note that the limitations of Claim 1 of Group I are necessarily limitations of the claims of Groups II-IV. In particular, the claims of Group II require that the vector encode a heterologous ligand moiety of Claim 1. The claims of Group III require the administration of the poxvirus particle of Claim 1 for treatment. The claims of Group IV provide a method for the purification of the poxvirus of Claim 1. Accordingly, in order to properly and completely search the subject matter of elected Group I, such a search will necessarily overlap, if not completely encompass, that required to search Groups II-IV. Therefore, Applicants respectfully submit that it would not be unduly burdensome for the Examiner to search and examine the claims of Groups I-IV together.

Applicants respectfully request rejoinder of all claims of Groups I-IV. Should the Examiner refuse rejoinder of "inventions IA-D," Applicants respectfully request that the Examiner rejoin Groups I-IV at least to the extent of Group IA elected above.

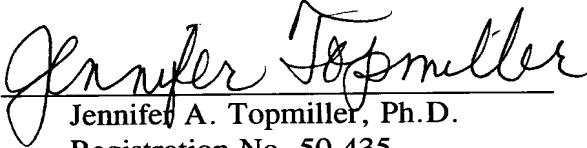
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If there are any questions concerning this Response, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 27, 2003

By:   
Jennifer A. Topmiller, Ph.D.  
Registration No. 50,435

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620